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04                   UNITED STATES DISTRICT COURT  
05                   WESTERN DISTRICT OF WASHINGTON  
06                   AT SEATTLE

07 CHARLES V. FARNSWORTH,                 ) CASE NO. C08-0820-JCC  
08   )  
09 Plaintiff,                                     )  
10   )  
11 v.   ) REPORT AND RECOMMENDATION  
12 ROBERT J. PALMQUIST, et al.,             )  
13   )  
14 Defendants.                                 )  
15   )  
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18                   Plaintiff is a federal prisoner who is currently incarcerated at the United States Penitentiary  
19 at Lompoc, California. He filed the instant action in May 2008 while incarcerated at the Federal  
20 Detention Center in SeaTac, Washington (“FDC SeaTac”). He alleged in his complaint for  
21 declaratory judgment<sup>1</sup> that the Warden of FDC SeaTac, Robert Palmquist, failed to ensure that  
22 there were effective informal resolution procedures in place at the institution. Plaintiff identified  
Warden Palmquist and the Federal Bureau of Prisons as defendants in his complaint.

On August 12, 2008, defendants filed a motion for summary judgment. Defendants argued  
therein that plaintiff’s claim fails for three independent reasons: (1) the claim is moot because  
plaintiff is no longer confined at FDC SeaTac; (2) plaintiff failed to exhaust his administrative  
remedies; and (3) plaintiff failed to state a cause of action under 42 U.S.C. § 1983.  
\_\_\_\_\_  
1 Plaintiff identified 28 U.S.C. § 2201 as the basis of this Court’s jurisdiction over this  
action.

01 remedies; and, (3) the claim fails as a matter of law. (Dkt. No. 18) That motion was originally  
02 noted on the Court's calendar for consideration on September 5, 2008. (*Id.*)

03 Plaintiff did not file a response to defendants' motion. Instead, plaintiff filed a motion to  
04 amend his complaint together with a motion to stay defendants' motion for summary judgment  
05 pending disposition of the motion to amend. (*See* Dkt. Nos. 20 and 22.) Plaintiff, by way of his  
06 motion to amend, sought to substitute claims concerning the visitation policies at FDC SeaTac for  
07 his original claims concerning the grievance process, and to substitute a request for money  
08 damages for his original request for declaratory judgment. (*See* Dkt. No. 20.) On October 9,  
09 2008, this Court issued an Order denying plaintiff's motion to amend and re-noting defendants'  
10 motion for summary judgment. (Dkt. No. 27.) On October 30, 2008, plaintiff filed a motion to  
11 dismiss his complaint. (Dkt. No. 28.) Plaintiff acknowledged therein that the claims asserted in  
12 his original complaint were moot because of his transfer out of defendants' custody and that, in  
13 light of this Court's denial of his motion to amend his complaint, dismissal was appropriate.

14 As the parties appear to agree that the claims asserted by plaintiff in his original complaint  
15 for declaratory judgment are moot, this Court recommends that the pending motions to dismiss  
16 the complaint as moot be granted.

17 DATED this 20th day of November, 2008.

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19 \_\_\_\_\_  
20 Mary Alice Theiler  
21 United States Magistrate Judge  
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